

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO  
SOUTHERN DIVISION

PAM POE, et al.,

*Plaintiffs,*

v.

RAÚL LABRADOR, et al.,

*Defendants.*

Case No. 1:23-cv-00269-BLW

**ORDER MODIFYING  
DEADLINES, STRIKING  
DECLARATION, AND  
GRANTING SUR-REPLY**

This Court has before it a stipulation for modifying the briefing schedule, allowing for a surreply, withdrawing the declaration of Dr. William Malone (Dkt. No. 56-5), and permitting a revised version of the State Defendants' Opposition to Plaintiffs' Motion for a Preliminary Injunction (Dkt. No. 56). The Court has reviewed the motion and the complaint in this case and finds good cause for approving the same. **The Court will, however, slightly modify the parties' proposed briefing schedule, as set forth below.**

Now therefore, **IT IS HEREBY ORDERED** that:

- a) The expert declaration of Dr. Timothy Malone (Dkt. No. 56-5) is withdrawn from the docket and shall not be relied upon in support of the State Defendants' Opposition (Dkt. No. 56).
- b) Defendants Raúl Labrador and Individual Members of the Idaho Code Commission shall have until **October 2, 2023**, to file a revised opposition to Plaintiffs' motion for a preliminary injunction replacing citations to Dr. Malone's declaration with citations to other evidence already in the record as of the date of the Parties' Stipulation.
- c) Plaintiffs shall file their reply in support of their motion for a preliminary injunction no

later than **October 13, 2023**.

- d) Defendants shall be permitted to file a surreply in relation to Plaintiffs' motion for a preliminary injunction, no longer than five pages in length, by no later than **October 27, 2023**, which shall be limited in scope to responding to Dr. Jack Turban's forthcoming rebuttal declaration.



DATED: October 2, 2023

*B. Lynn Winmill*

B. Lynn Winmill  
United States District Judge